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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Heim, et al.

Application No.: 10/090,231

Filed: February 28, 2002

Title: Electroactive Polymer Rotary Clutch Motors

Attorney Docket No.: SRI1P031/US-4149-5

Examiner: Addison, Karen B.

Group: 2834

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on August 3, 2004 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Signed: \_\_\_\_\_

*Tomika Thomas*

Tomika Thomas

**APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R.**  
**§1.705**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowance, mailing date May 20, 2004, and in accordance with 37 C.F.R. §1.705, Applicants respectfully request reconsideration of the period of adjustment.

***Statement of Fact, as Required by §1.705(b)(2)***

The Applicants respectfully submit that the correct patent term adjustment is 117 days based upon C.F.R. §1.702(a)(1).

USPTO has calculated 100 Applicant days for a delay in response to a restriction requirement mailed October 7, 2003 where a response to the restriction requirement is docketed in PAIR as having been received April 16, 2004. Applicant respectfully submits this calculation is incorrect because Applicant filed a response to the restriction requirement on October 17, 2003. The Applicant received a return postcard indicating that the USPTO received this response October 20, 2003. Therefore, applicant believes the calculation of 100 days by the USPTO is incorrect as the delay in receiving the office action was the result of a USPTO error and not a delay resulting from Applicant.

Thus, Applicant believes the 100 Applicant days should be removed from PTA calculation and the total PTA is 162 PTO days minus 45 Applicant days for a total of 117 days of PTA.

This application is not the subject of a terminal disclaimer.

The Commissioner is hereby authorized to charge the fee for filing a request for reconsideration of the patent term adjustment pursuant to §1.705 set forth in §1.18(e) of \$200.00 and any other fees which may be required or credit any overpayment to Deposit Account No. 500388 (Order No. SRI1 P031)

Applicants respectfully request that the patent term adjustment be reconsidered.

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP

Two handwritten signatures in black ink. The signature on the left is 'David' and the signature on the right is 'Olynick'.

David P. Olynick  
Reg. No.: 48,615

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